

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
v. ) Criminal Action  
THOMAS M. FINNERAN ) No. 05-10140-RGS

MOTION OF THE BOSTON HERALD, INC. TO INTERVENE AND TO VACATE  
OR MODIFY JULY 13, 2005 PROTECTIVE ORDER

The Boston Herald, Inc. (the “Herald”) respectfully moves to intervene in this proceeding for the limited purpose of requesting that the Court vacate or modify the Protective Order entered in this case on July 13, 2005. It joins in the Motion to Intervene and to Vacate or Modify July 13, 2005 Protective Order filed by the Globe Newspaper Company, Inc. (the “Globe”) on July 26, 2005.

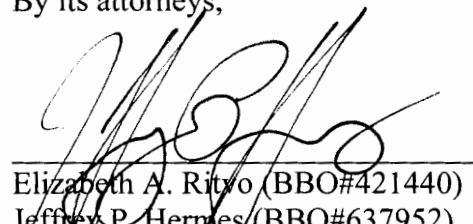
As grounds for its motion, the Herald relies on the memorandum of law filed on July 26, 2005 by the Globe in this matter. See also In re Boston Herald, Inc., 321 F.3d 174, 177 (1<sup>st</sup> Cir. 2003) (noting intervention of media in criminal case for purpose of pursuing access request); In re Globe Newspaper Co., 729 F.2d 47, 50 n.2 (1<sup>st</sup> Cir. 1984) (“Some courts have held that media representatives may challenge closure orders by appeal if they first intervene in the underlying action.”).

WHEREFORE, the Herald respectfully requests that its motion to intervene be allowed, and that the Court grant the motion to vacate or modify the July 13, 2005 Protective Order.

Respectfully submitted,

BOSTON HERALD, INC.

By its attorneys,



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Dated: August 23, 2005

CERTIFICATE OF SERVICE

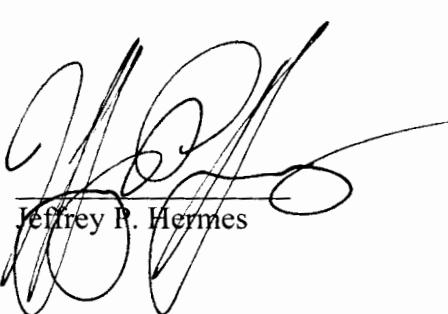
I, Jeffrey P. Hermes, hereby certify that I have this day served a copy of the within Motion of The Boston Herald, Inc. to Join the Motion of Globe Newspaper Company to Intervene and to Vacate or Modify July 13, 2005 Protective Order by hand delivery as follows:

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